

§21.85

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that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (f) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section and §§91.317 and 121.207 of this chapter.

(c) The applicant must apply for a type certificate, in the transport category, for the aircraft.

(d) The applicant must hold a U.S. type certificate for at least one other aircraft in the same transport category as the subject aircraft.

(e) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.

(f) The applicant or, in the case of a foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that—

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(g) The applicant must submit a report showing that the aircraft has been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in this subchapter.

(h) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating re-

strictions are established for the aircraft.

(i) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(j) The applicant must show that a prototype aircraft has been flown for at least 100 hours. In the case of an amendment to a provisional type certificate, the Administrator may reduce the number of required flight hours.

[Amdt. 21–12, 31 FR 13386, Oct. 15, 1966, as amended by Amdt. 21–66, 54 FR 34329, Aug. 18, 1989]

§21.85 Provisional amendments to type certificates.

(a) An applicant who manufactures aircraft within the United States is entitled to a provisional amendment to a type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.

(b) An applicant who manufactures aircraft in a foreign country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to a provisional amendment to a type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (e) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.

(c) The applicant must apply for an amendment to the type certificate.

(d) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress.

(e) The applicant or, in the case of foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that—

(1) The modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(f) The applicant must submit a report showing that the aircraft incorporating the modifications involved has been flown in all maneuvers necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations specified in §§ 91.317 and 121.207 of this chapter.

(g) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight maneuvers, loading, and operation of controls and equipment, unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(h) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(i) The applicant must operate a prototype aircraft modified in accordance with the corresponding amendment to the type certificate for the number of hours found necessary by the Administrator.

[Amdt. 21-12, 31 FR 13388, Oct. 15, 1966, as amended by Amdt. 21-66, 54 FR 34329, Aug. 18, 1989]

Subpart D—Changes to Type Certificates

SOURCE: Docket No. 5085, 29 FR 14567, Oct. 24, 1964, unless otherwise noted.

§ 21.91 Applicability.

This subpart prescribes procedural requirements for the approval of changes to type certificates.

§ 21.93 Classification of changes in type design.

(a) In addition to changes in type design specified in paragraph (b) of this section, changes in type design are classified as minor and major. A “minor change” is one that has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product. All other changes are “major changes” (except as provided in paragraph (b) of this section).

(b) For the purpose of complying with Part 36 of this chapter, and except as provided in paragraphs (b)(2), (b)(3), and (b)(4) of this section, any voluntary change in the type design of an aircraft that may increase the noise levels of that aircraft is an “acoustical change” (in addition to being a minor or major change as classified in paragraph (a) of this section) for the following aircraft:

(1) Transport category large airplanes.

(2) Jet (Turbojet powered) airplanes (regardless of category). For airplanes to which this paragraph applies, “acoustical changes” do not include changes in type design that are limited to one of the following—

(i) Gear down flight with one or more retractable landing gear down during the entire flight, or

(ii) Spare engine and nacelle carriage external to the skin of the airplane (and return of the pylon or other external mount), or

(iii) Time-limited engine and/or nacelle changes, where the change in type design specifies that the airplane may not be operated for a period of more than 90 days unless compliance with the applicable acoustical change provisions of Part 36 of this chapter is shown for that change in type design.

(3) Propeller driven commuter category and small airplanes in the primary, normal, utility, acrobatic, transport, and restricted categories, except for airplanes that are:

(i) Designated for “agricultural aircraft operations” (as defined in § 137.3 of